

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Craig Ivan Gilbert,
4

Petitioner

5 v.

6 Eric Bossi, et al.,
7

Respondents

Case No. 2:20-cv-00385-JAD-NJK

**Order Dismissing Petition
and Denying Motions**

[ECF Nos. 1, 4]

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9 Petitioner Craig Ivan Gilbert has filed what he has styled as a *pro se* habeas corpus
10 petition that is not on the court-required form. Gilbert has also failed to submit an application to
11 proceed *in forma pauperis* or pay the filing fee, though he did submit a handwritten statement
12 attesting that he has no income or assets. As a result, this matter has not been properly
13 commenced.¹

14 Gilbert also has not presented his claims to the highest Nevada state court. According to
15 Gilbert, a pretrial detainee, the state district court has ordered him involuntarily committed for
16 mental-health treatment and forcibly medicated.² He characterizes his commitment as
17 “kidnapping . . . for purpose of commercially exploiting his intellect over federal communication
18 commission regulated air waves and other commercial venues.”³

19 A federal court will not grant a state prisoner’s petition for habeas relief until the prisoner
20 has exhausted his available state remedies for all claims raised.⁴ A petitioner must give the state
21 courts a fair opportunity to act on each of his claims before he presents those claims in a federal
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24 _____
25 ¹ 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

26 ² ECF No. 1-1; ECF No. 3.

27 ³ ECF No. 1-1.

28 ⁴ *Rose v. Lundy*, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b).

1 habeas petition.⁵ A claim remains unexhausted until the petitioner has given the highest
2 available state court the opportunity to consider the claim through direct appeal or state collateral
3 review proceedings.⁶

4 Here, Gilbert states that the commitment and involuntary medication order is dated
5 March 20, 2020.⁷ The court takes judicial notice of the fact that Gilbert did not first exhaust his
6 state-court remedies. Accordingly, this federal petition must be dismissed without prejudice, and
7 Gilbert's pending motions are denied as moot.

8 **Order**

9 IT IS THEREFORE ORDERED that the Clerk is directed to DETACH AND FILE THE
10 PETITION (ECF No. 1-1).

11 IT IS FURTHER ORDERED that **the petition is DISMISSED** without prejudice.

12 IT IS FURTHER ORDERED that **a certificate of appealability is DENIED**.

13 IT IS FURTHER ORDERED that petitioner's incomplete application to proceed in forma
14 pauperis and motion to make file correction **[ECF Nos. 1, 4] are DENIED** as moot.

15 IT IS FURTHER ORDERED that the Clerk is directed to ENTER JUDGMENT accordingly and
16 CLOSE THIS CASE.

17 Dated: April 14, 2020

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19 U.S. District Judge Jennifer A. Dorsey

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25 ⁵ *O'Sullivan v. Boerckel*, 526 U.S. 838, 844 (1999); *see also Duncan v. Henry*, 513 U.S. 364, 365
26 (1995).

27 ⁶ *See Casey v. Moore*, 386 F.3d 896, 916 (9th Cir. 2004); *Garrison v. McCarthey*, 653 F.2d 374,
376 (9th Cir. 1981).

28 ⁷ ECF No. 3 at 4.